

# Landmark Legislation to Repeal the Discriminatory Defense of Marriage Act (DOMA) is Introduced.

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WASHINGTON, D.C. - Today, Representative Jerrold Nadler (D-NY), ranking Democrat on the Judiciary Subcommittee on the Constitution and vice-chair of the LGBT Equality Caucus; Representatives Barney Frank (D-MA), Tammy Baldwin (D-WI), Jared Polis (D-CO), and David Cicilline (D-RI), co-chairs of the LGBT Equality Caucus; and Representative John Conyers (D-MI), ranking Democrat on the Judiciary Committee, announced the re-introduction of the Respect for Marriage Act in the House, with 108 original co-sponsors, including Democratic Leaders Nancy Pelosi (D-CA), Steny Hoyer (D-MD), and John Larson (D-CT). Senators Diane Feinstein (D-CA), Patrick Leahy (D-VT) and Kirsten Gillibrand (D-NY) are also introducing a companion bill in the Senate. The legislation would repeal the Defense of Marriage Act (DOMA), a 1996 law that discriminates against lawfully married gay and lesbian couples. Last week, on the heels of President Obama's decision that DOMA is unconstitutional and that the Justice Department will no longer defend the law in court, House Republican Leadership announced that it will defend DOMA in court, making passage of the Respect for Marriage Act more critical than ever.

The 15-year-old DOMA singles out legally married gay and lesbian couples for discriminatory treatment under federal law, selectively denying them critical federal responsibilities and rights, including programs like Social Security that are intended to ensure the stability and security of American families.

The Respect for Marriage Act represents the consensus approach endorsed by the nation's leading LGBT and civil rights stakeholders and legislators, and would ensure that valid marriages are respected under federal law, providing couples with much-needed certainty that they will have the same access to federal responsibilities and rights as all other married couples.

"The time for dumping DOMA is long overdue, and rather than prolonging litigation in the courts, Congress should act to repeal this ugly law," said Congressman Jerrold Nadler. "When Congress passed DOMA in 1996, it was not possible for a gay or lesbian couple to marry anywhere in the world. Today, tens of thousands of gay and lesbian couples are married. Far from harming the institution of marriage, these couples have embraced this time-honored tradition and the serious legal duties of civil marriage. The Respect for Marriage Act will send this shameful law into the history books where it belongs."

"Years of experience with same-sex marriage in several states has conclusively refuted the arguments for DOMA that were never valid in the first place," said Congressman Barney Frank. "It stands now only as a symbol of bigotry and should be repealed."

"The administration's decision not to defend DOMA intensifies the urgent need to repeal this discriminatory law. All legally married couples should have the same federal rights, obligations, and recognition, regardless of their sexual orientation. Anything less than full equality is most likely unconstitutional, and most certainly un-American," said Congresswoman Tammy Baldwin.

"Love and commitment are not owned by any one group," said Congressman Jared Polis. "Same-sex couples are only asking to be allowed to honor and protect the one they love with the blessing of their friends and family. By finally welcoming all Americans into the time-honored tradition of marriage, we all benefit. The Defense of Marriage Act is a war cry against an imagined foe. It is time to see the truth for what it is: we are all trying to live our lives with the ones we love."

"Throughout my career in public service, I have consistently fought for full equality for all people because I believe that every American deserves the same freedoms and protections under the law," said Congressman David Cicilline.\* "Discrimination of any kind against a person based on their sexual orientation is just wrong and it should be prohibited by law. Today I proudly stand in support of the Respect for Marriage Act because marriage equality is about ensuring that gay and lesbian couples across our nation are fully included in the protections, obligations, and full

citizenship of civil marriage."

"Instead of defending marriage, DOMA has done the opposite in denying tens of thousands of legally married couples the responsibilities and rights of marriage under federal law," said Congressman John Conyers. "We should all be spared the time, money, and harm of continuing to defend this law, so I invite all of my colleagues to work with us to secure equal rights for all American families."

The Respect of Marriage Act adopts the place-of-celebration rule recommended in the Uniform Marriage and Divorce Act, which embraces the common law principle that marriages that are valid in the state where they were entered into will be recognized. While this rule governs recognition of marriage for purposes of federal law, marriage recognition under state law would continue to be decided by each state.

Supporters of DOMA argued in 1996 that the law is necessary to promote family structures that are best for children, but every credible medical, social science and child welfare organization has concluded that gay and lesbian couples are equal parents. Married gay and lesbian couples pay taxes, serve their communities and raise children like other couples. Their contributions and needs are no different from anyone else's. The Respect for Marriage Act would ensure that couples who assume the serious legal duties of marriage are treated fairly under federal law.

Standing with the Members of Congress today were the lead plaintiffs in two court cases challenging DOMA - Edith Windsor, the lead plaintiff in Windsor v. United States, 2nd Circuit Federal Court; and Nancy Gill and Marcelle Letourneau, lead plaintiffs in Gill et al. v. Office of Personnel Management et al., 1st Circuit Federal Court. Also present were representatives of the nation's leading LGBT legal and advocacy organizations, including: Gay and Lesbian Advocates and Defenders, Human Rights Campaign, Lambda Legal, the National Gay and Lesbian Task Force, Freedom to Marry, the American Civil Liberties Union, the National Center for Lesbian Rights, Equality Matters, Americans for Democratic Action, Courage Campaign, and California Faith for Equality.

Supporters of the Respect for Marriage Act represent a diverse swath of American society and include both President Bill Clinton, who signed DOMA into law in 1996, and former Congressman Bob Barr (R-GA), who first introduced DOMA. They join the dozens of civil rights organizations and 108 original co-sponsors of the bill who are pushing for a full repeal of DOMA.

The introduction of the Respect for Marriage Act responds directly to a call from President Obama for congressional action on the issue. As the President has stated: "I stand by my long-standing commitment to work with Congress to repeal the so-called Defense of Marriage Act. It's discriminatory, it interferes with states' rights, and it's time we overturned it."

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